

Serial No. 10/659,400

Docket No. P-0530

Amdt. dated April 11, 2006

Reply to Office Action of January 12, 2006

### **REMARKS**

By the present response, Applicant has canceled claim 23 without disclaimer. Further, Applicant has amended claims 1, 5, 7, 8, 10, 12, 21 and 22 to further clarify the invention. Claims 1, 3-22, 24 and 25 remain pending in the present application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1 and 3-25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No 2004/0203615 (Qu et al.).

#### **35 U.S.C. § 102 Rejections**

Claims 1 and 3-25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Qu et al. Applicant respectfully traverses these rejections.

Qu et al. discloses techniques for filtering broadcast SMS messages at a mobile station based on network configuration, user configuration, and/or user preferences. A broadcast message is initially received and one or more filtering criteria are applied to the received broadcast message. The filtering criteria are defined by settings stored in a removable module coupled to the receiver. The received broadcast message is then processed if it is not filtered out by the one or more filtering criteria. The one or more filtering criteria may include (1) those imposed by a service provider and defined in a network configuration setting, (2) those determined by the mobile user and defined in a user configuration setting (3) those selected by

the mobile user based on user preferences, which allow for filtering out broadcast messages based on service category, language, and priority, or (4) any combination of the above.

Regarding claims 1, 8, 16 and 22, Applicant submits that Qu et al. does not disclose or suggest the limitations in the combination of each of these claims. For example, the Examiner asserts that Qu et al. discloses forming a short message service message including a parameter to be changed in a mobile telecommunication terminal to receive the SMS message and a password for a certification with a destination mobile telecommunication terminal, at paragraphs 25, 30 and 31. However, these portions merely disclose that SMS is network technology dependent where each SMS implementation has different capabilities and utilizes different message types and formats for sending short messages, that data and messages sent by the mobile station are encoded and modulated, and that the mobile station may include a removable user identity module that stores a subscribers identity information, information used to filter broadcast SMS messages, and that makes it easier to roam the countries by allowing subscribers to exchange handsets by using the same removable module to maintain their personal information. This is not forming a SMS message including a parameter to be changed in a mobile telecommunication terminal to receive a SMS message and a password for a certification of a sender of the SMS message, as recited in the claims of the present application. These limitations are neither disclosed nor suggested in these portions of Qu et al.

The Examiner asserts that Qu inherently teaches a parameter to be changed in a mobile telecommunication terminal to receive the SMS message and a password for a certification with a destination mobile telecommunication terminal, and cites table 3 and paragraphs 46-49. However, these portions merely disclose a list of fields for the header portion of the elementary files used to store various types of information related to SMS in the removable module, and the format and information contained in an elementary file used to store network configuration settings, user configuration settings, and information for the service table and the filtering criteria related to user preferences. These portions do not disclose or suggest anything related to a parameter to be changed in a mobile telecommunication terminal, as recited in the claims of the present application. Further, these limitations are not inherently taught by this disclosure of Qu et al. Moreover, Qu et al. does not disclose or suggest anything related to receiving an SMS message and a password for a certification of a sender of the SMS message. Qu et al. merely discloses the format and information contained in three elementary files used to store information in the removable module.

The Examiner further asserts that Qu et al. discloses transmitting the SMS message to change a pre-stored parameter that controls a performance of the mobile communication terminal, at paragraph 6, 31, 37 and 38. However, these portions merely disclose details regarding the filtering of broadcast SMS messages at the mobile station where the broadcast message filtering criteria are classified into network configuration, user configuration, and user

preferences. This is not transmitting the SMS message to change a pre-stored parameter that controls a performance of the mobile telecommunication terminal, as recited in the claims of the present application. Network configuration, user configuration, and user preferences are not controlling a performance of the mobile telecommunication terminal. In addition, Qu et al. does not disclose or suggest changing the stored parameter at the mobile telecommunication terminal when the password contained in the SMS message is identical to a password stored in the mobile telecommunication terminal.

Moreover, the Examiner asserts that Qu et al. discloses including the performance controlling parameter as a parameter of the mobile telecommunication terminal that received the SMS message wherein a value for changing the performance controlling parameter is included as a special field among SMS message formats of the mobile telecommunication terminal, in paragraphs 4 and 46. However, these portions merely disclose that if settings are stored in the removable module, the mobile user is able to move the module and insert it into another mobile station preserving the same broadcast SMS configuration and preferences, and as previously noted, the removable module includes a number of elementary files used to store various types of information related to SMS. These portions do not disclose or suggest a value for changing the performance controlling parameter, as recited in the claims of the present application. Further, these portions do not disclose or suggest anything related to a special field among SMS message formats of the telecommunication terminal that includes the value for changing the

performance controlling parameter. These portions merely relate to the portability of settings due to the removable module and the elementary files used to store information in the removable module.

In addition, the Examiner asserts that Qu et al. discloses a SMS message that includes a CHARi field configured to contain a performance controlling parameter value to be provided to a mobile communication terminal to modify an operation of the mobile telecommunication, and a MSG-ENCODING field to indicate a kind of code used in the CHARi field, in paragraphs 56-60. However, these portions merely disclose details regarding an SMS deliver message that may be used to add or remove broadcast service categories in the mobile station's service table, and that may be used to send the network configuration setting. These portions do not disclose or suggest a SMS message that includes a field configured to contain a performance controlling parameter value to be provided to a mobile communication terminal to modify an operation of the mobile telecommunication terminal, as recited in the claims of the present application. These portions do not disclose or suggest anything related to a performance controlling parameter value. Further, neither these portions of Qu et al. nor paragraphs 46-49 disclose or suggest a performance controlling password field configured to contain a password of the mobile communication terminal to authenticate a sender of the SMS message, as recited in the claims of the present application.

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Regarding claims 3-7, 9-15, 17-21, 24 and 25, Applicant submits that these claims are dependent on one of independent claims 1, 8 and 16 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Qu et al. does not disclose or suggest the limitations in the combination of each of claim 1, 3-22, 24 and 25 of the present application. Applicant respectfully request that these rejections be withdrawn and that these claims be allowed.

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### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that claims 1, 3-22, 24 and 25 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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